IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WA.No. 1868 of 2007

AGAINST THE JUDGEMENT IN WPC.20475/2007 Dated 04/07/2007
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APPELLANT/PETITIONER:

T.A.SALUDEEN,
DEALER IN RICE, AL SHAHANA TRADING CO.,
MEENAKSHIPURAM, PALAKKAD DISTRICT,
(PRESIDENT, KERALA STATE RICE MERCHANTS SAMITHI,
DISTRICT COMMITTEE, PALAKKAD, PIN-678 004).

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENTS/RESPONDENTS:
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1. THE STATE OF KERALA,
REP.BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FOOD AND CIVIL SUPPLIES,
THIRUVANANTHAPUPRAM.

2. THE DISTRICT COLLECTOR, PALAKKAD.

3. THE SUPERINTENDENT OF POLICE, PALAKKAD.

4. THE DISTRICT SUPPLY OFFICER, PALAKKAD.

5. THE TALUK SUPPLY OFFICER,
CHITTOOR TALUK, PALAKKAD DISTRICT.

6. THE SUB INSPECTOR OF POLICE,
PUTHUNAGARAM POLICE STATION, PALAKKAD DISTRICT.

BY SPECIAL GOVERNMENT PLEADER MR.C.T.RAVIKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1868 of 2007

Dated, this the 31st day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Aggrieved by the orders passed by the learned Single Judge in W.P.(C) No.20475 of 2007 dated 4th July, 2007, the petitioner is before us in this writ appeal.

(2) The reliefs sought in the writ petition are as under:

> "i. Call for the records of this case;
>
> ii. Declare that the respondents are not competent to conduct search, seizure or initiate any proceedings under the Kerala Rationing Order against the local purchase of rice by the petitioner and similarly situated dealers under the Kerala Value Added Tax Act 2003 from the vendors of the State of Tamil Nadu;
>
> iii. Issue a writ of prohibition restraining the respondents from interfering with or restraining the local purchase of rice by the petitioner and similarly situated dealers from the vendors of the State of Tamil Nadu under proper bills and as authorized by the VAT Act 2003;
>
> iv. Issue such other and further relief as this Hon'ble Court deems fit and proper to grant in the facts and circumstances of this case."

(3) A reading of the aforesaid prayers would only indicate that the petitioner is seeking an order in the nature of anticipatory declaration by this Court. In our opinion, such a declaration cannot be given by this Court in exercise of its powers under Article 226 of the Constitution. Keeping this aspect of the matter in view, the learned Single Judge, in our opinion, has rightly rejected the writ petition. We do not see any error in the orders passed

by the learned Single Judge which would call for our interference. Therefore, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns